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EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF HUNGARY

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS DETERMINATION THAT HUNGARY CONTINUES TO MEET THE EMIGRATION CRITERIA OF THE JACKSON-VANIK AMENDMENT TO THE TRADE ACT OF 1974, PURSUANT TO 19 U.S.C. 2439(b)

SEPTEMBER 11, 1991.—Referred to the Committee on Ways and Means and ordered to be printed

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THE WHITE HOUSE,
Washington, DC, August 5, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In January 1991 I determined and reported to the Congress that Hungary continues to meet the emigration criteria of the Jackson-Vanik amendment to, and section 409 of, the Trade Act of 1974.

As required by law, I am submitting an updated formal report to the Congress concerning emigration laws and policies of the Republic of Hungary. You will find that the report indicates continued Hungarian compliance with U.S. and international standards in the areas of emigration and human rights policy.

Sincerely,

GEORGE BUSH.

Report to Congress Concerning Emigration Laws and Policies of the Republic of Hungary

This report on the emigration laws and practices of the Republic of Hungary constitutes the periodic report required by subsections 402(b) and 409(b) of the Trade Act of 1974, as amended ("the Act"), as a consequence of Presidential Determination 90–3 of October 29, 1989 that the Republic of Hungary is not in violation of paragraphs (1), (2), or (3) of subsections 402(a) and 409(a) of the Act.

All current information indicates that the emigration laws and practices of the Republic of Hungary continue to satisfy the criteria laid out in subsections 402(a) and 409(a) of the Act in respect of all matters covered by those subsections.

Hungary made a peaceful transition into a Western-style parliamentary democracy in two rounds of fair and free elections held in March and April 1990. The new government has pledged to carry forth the reforms already put in place by its interim predecessor. This pledge has been and remains fulfilled with respect to the government's emigration and human rights policy.

On September 26, 1989, Hungary's Parliament enacted a new emigration law providing that it is the fundamental right of Hungarian citizens to select their place of residence and to emigrate from Hungary and return. These rights are limited in only exceptional cases: persons under indictment for crimes punishable by more than three years' imprisonment; persons serving prison sentences; persons with public debts who have not guaranteed payment; persons liable for military service who have not received authorized leave from the Defense Ministry; minors without a guardian's consent; persons who have not arranged for support of an incapacitated dependent who will remain behind; and, for three years, those in possession of state secrets affecting national security interests. We are aware of no discrimination applied against persons wishing to emigrate from Hungary.

These dramatically liberalized emigration laws have greatly facilitated freedom of travel for Hungarian citizens. In 1990 the 10.6 million citizens of Hungary made nearly 13.6 million trips abroad. FY 1990 witnessed the issuance of 26,453 U.S. non-immigrant visas for Hungarians. There are no outstanding emigration cases involving the United States and no divided family cases. Due to Hungary's transition to a fully functioning democracy, we no longer separately record statistics on family reunification immigration visas issued to Hungarian citizens.

There are no known cases of passport refusals on political grounds. Although Hungarian law permits passports to be denied on grounds of national interest, or if a citizen is under criminal indictment, serving a prison sentence, or has outstanding debts for which no provision for payment has been made, such denials amount to well under one percent of all passport applications.

The Republic of Hungary has in practice been following these laws since 1988, and continues to do so today without any changes since Presidential Determination No. 90–3 was executed.

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